

RESOLUTION NO. Z-18-02

WHEREAS, **CORUM HOMES, LLC** had applied to Community Zoning Appeals

Board 5 for the following:

- (1) GU to PAD
- (2) SPECIAL EXCEPTION to permit site plan approval for proposed residential developments.
- (3) UNUSUAL USE to permit multiple lake excavations.
- (4) UNUSUAL USE to permit an entrance feature.
- (5) NON-USE VARIANCE OF ZONING REGULATIONS requiring section line roads to be 80' in width; to vary same to permit a right-of-way width of 25' (40' required) on the east side of N.W. 97th Avenue.
- (6) NON-USE VARIANCE OF ZONING REGULATIONS to permit common open space of the category 1 requirements to be 27.43% (60% minimum required).
- (7) NON-USE VARIANCE OF ZONING REGULATIONS to permit private open space of the interior floor area to be 6.19% (60% minimum required).

A plan is on file and may be examined in the Zoning Department entitled "Bellaggio Residential Development," as prepared by Sotolongo Architects, last revised 3/12/02 on SP1-SP7 and 49 sheets dated 12/20/01 and dated stamped received 2/25/02 and landscaping plans by Witkin Design Group, sheets L-1 through L-8, dated last revised 3/13/02 and consisting of a total of 64 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tracts 33 through 38, FLORIDA FRUIT LANDS COMPANY' S SUBDIVISION, Plat book 2, Page 17 lying in Section 21, Township 52 South, Range 40 East, LESS 15± acres for Interstate 75, right-of-way AND: Tracts 43, 44, 45 and 46, FLORIDA FRUIT LAND' S COMPANY SUBDIVISION, Plat book 2, Page 17, lying in Section 21, Township 52 South, Range 40 East, AND: Portions of Tract 39, FLORIDA FRUIT LANDS COMPANY' S SUBDIVISION NO. 1, of Section 21, Township 52 South, Range 40 East, Plat book 2, Page 17, being more particularly described as follows: Begin at the Southwest corner of said Tract 39; thence N2°37' 47"W, along the west line of said Tract 39, for 330.2' , to the Northwest corner of said Tract 39; thence N89°37' 53"E along the north line of said Tract 39, for 319.94' , to a point on the W/ly right-of-way line of Interstate 75, said point also being on a circular curve, said curve being concave to the Southeast and having a radius of 1,315.92' ; thence SW/ly along the arc of said curve and along said W/ly right-of-way line of Interstate 75, through a central angle of 11°3' 51", for an arc distance of 254.11' ; thence N77°18' 30"W, along said W/ly right-of-way line of Interstate 75 for 130.38' ; thence S11°23' 7"W along said W/ly right-of-way line of Interstate 75 for 121.43' , to a point on the south line of said Tract 39; thence S89°38' 6"W, along said south line of Tract 39, for 74.4' , to the Point of beginning.

LOCATION: South of N.W. 146 Street & between N.W. 97 Avenue & I-75, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter, it was the opinion of Community Zoning Appeals Board 5 that the requested district boundary change to PAD (Item# 1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and was denied, and that the requested special exception (Item# 2), unusual use (Items # 3 & 4), non-use variances (Items # 5, 6, & 7) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item # 2) would have an adverse impact upon the public interest and was denied without prejudice. and by Resolution No. CZAB5-3-02, and

WHEREAS, **CORUM HOMES, LLC** appealed the decision of Community Zoning Appeals Board 5 to the Board of County Commissioners for the following:

- (1) GU to PAD
- (2) SPECIAL EXCEPTION to permit site plan approval for proposed residential developments.
- (3) UNUSUAL USE to permit multiple lake excavations.
- (4) UNUSUAL USE to permit an entrance feature.
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LOCATION: South of N.W. 146 Street & between N.W. 97 Avenue & I-75, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the appellant requested to withdraw the appeal, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of the Board that the requested withdrawal of the appeal should be granted and that the decision of Community Zoning Appeals Board 5 should be sustained, and

WHEREAS, a motion to grant the withdrawal of the appeal and to sustain the decision of Community Zoning Appeals Board 5 was offered by Commissioner Jose "Pepe" Cancio Sr., seconded by Commissioner Gwen Margolis, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	aye
Jose "Pepe" Cancio Sr.	aye	Dorin D. Rolle	aye
Barbara M. Carey-Shuler	absent	Natacha Seijas	aye
Betty T. Ferguson	absent	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	absent

Chairperson Gwen Margolis aye

BE IT FURTHER RESOLVED that the request to withdraw the appeal be and the same is hereby approved and said appeal is hereby withdrawn without prejudice, and that the decision of Community Zoning Appeals Board 5 should be sustained.

No. 02-4-CZ5-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By **KAY SULLIVAN**
Deputy Clerk

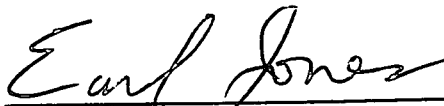
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF OCTOBER, 2002.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-18-02 adopted by said Board of County Commissioners at its meeting held on the 26th day of September, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 11th day of October, 2002.



Earl Jones, Deputy Clerk (3220)
Miami-Dade County Department of Planning and Zoning

SEAL

